

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re	:	Chapter 11
	:	
PHOENIX SERVICES TOPCO LLC, <i>et al.</i>,	:	Case No. 22–10906 (MFW)
	:	
Debtors.¹	:	(Jointly Administered)
	:	
	:	
	:	Re: Docket No. 554
	X	

**NOTICE OF FILING OF REVISED PROPOSED ORDER AND EXHIBITS
TO ORDER (A) APPROVING (I) THE REJECTION OF CERTAIN EXECUTORY
CONTRACTS WITH NUCOR CORPORATION, (II) SETTLEMENT AGREEMENT
BETWEEN THE DEBTORS AND NUCOR CORPORATION, INCLUDING, AMONG
OTHER THINGS, THE SALE AND TRANSFER OF CERTAIN OF THE DEBTORS’
ASSETS FREE AND CLEAR OF LIENS, CLAIMS, AND ENCUMBRANCES TO
NUCOR CORPORATION, AND (III) STIPULATIONS BETWEEN THE DEBTORS
AND CERTAIN COUNTERPARTIES, AND (B) GRANTING RELATED RELIEF**

PLEASE TAKE NOTICE that, on February 22, 2023, the above-captioned debtors (collectively, the “**Debtors**”) filed the *Debtors’ Motion for Entry of an Order Approving (I) Rejection of Executory Contracts with Nucor, (II) Settlement Agreement with Nucor, (III) Sale of Certain Assets Free and Clear of Liens, Claims, and Encumbrances to Nucor, and (IV) Stipulations with Certain Counterparties* [Docket No. 554] (the “**Motion**”)² with the United States Bankruptcy Court for the District of Delaware (the “**Court**”). Attached thereto as Exhibit A was a proposed form of order granting the relief requested in the Motion (the “**Proposed**

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Phoenix Services Topco, LLC (4517); Phoenix Services Parent, LLC (8023); Phoenix Services Holdings Corp. (1330); Phoenix Services International LLC (4693); Metal Services LLC (8793); Terracentric Materials LLC (0673); Cool Springs LLC (8687); Metal Services Investment LLC (2924); and Phoenix Receivables, LLC (not applicable). The Debtors’ mailing address is 4 Radnor Corporate Center, Suite 520, 100 Matsonford Road, Radnor, PA 19087.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

Order”).

PLEASE TAKE FURTHER NOTICE that the Debtors have prepared a revised form of Proposed Order (the “**Revised Proposed Order**”) addressing certain objections and informal comments received to the relief requested in the Motion. A copy of the Revised Proposed Order is attached hereto as **Exhibit A**. For the convenience of the Court and all parties-in-interest, a blackline comparison of the Revised Proposed Order marked against the Proposed Order is attached hereto as **Exhibit B**.

PLEASE TAKE FURTHER NOTICE that attached to the Proposed Order as **Exhibit 1** was a copy of the Settlement Agreement between the Debtors and Nucor-Yamato Steel Company, Nucor Steel Arkansas (a division of Nucor Corporation), and Nucor Steel Gallatin LLC (collectively, “**Nucor**”). The Debtors and Nucor have prepared a revised Settlement Agreement (the “**Revised Settlement Agreement**”), a copy of which is attached hereto as **Exhibit C-1**. For the convenience of the Court and all parties-in-interest, a blackline comparison of the Revised Settlement Agreement marked against the Settlement Agreement is attached hereto as **Exhibit C-2**.

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit D**, the Debtors hereby file the proposed Stipulation between the Debtors and Radius Construction Co. Inc., which was **Exhibit 2** to the Proposed Order, but not yet filed.

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit E**, the Debtors hereby file the proposed Stipulation between the Debtors and Straight Edge Concrete, LLC, which was **Exhibit 3** to the Proposed Order, but not yet filed.

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit F**, the Debtors hereby file the proposed Stipulation between the Debtors and 36th Street Capital Partners LLC, which was Exhibit 4 to the Proposed Order, but not yet filed.

PLEASE TAKE FURTHER NOTICE that, attached hereto as **Exhibit G**, the Debtors hereby file the proposed Stipulation between the Debtors and Stonebriar Commercial Finance LLC, which was Exhibit 5 to the Proposed Order, but not yet filed.

PLEASE TAKE FURTHER NOTICE that a hearing to consider the Motion will be held on **February 28, 2023 at 2:00 p.m. (ET)** (the “**Hearing**”) before The Honorable Mary F. Walrath, United States Bankruptcy Judge for the District of Delaware, at the Court, 824 North Market Street, 5th Floor, Courtroom 4, Wilmington, Delaware 19801.

PLEASE TAKE FURTHER NOTICE that, to the extent that the Revised Proposed Order or exhibits are further revised, the Debtors will present clean and blackline copies of such revised documents to the Court either at or before the Hearing.

Dated: February 27, 2023
Wilmington, Delaware

/s/ Matthew P. Milana

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